

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT
EFFECTIVE DATE:	04/01/2007

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Zyvex Corporation		05/21/2007	CORPORATION: TEXAS

**RECEIVING PARTY DATA**

Name:	Zyvex Instruments, LLC
Street Address:	1321 N. Plano Road
City:	Richardson
State/Country:	TEXAS
Postal Code:	75081
Entity Type:	LIMITED LIABILITY COMPANY: TEXAS

**PROPERTY NUMBERS Total: 4**

Property Type	Number	Word Mark
Registration Number:	2926622	NANOWORKS
Registration Number:	2981400	NANOEFFECTOR
Serial Number:	78849042	OPTIMIZER
Serial Number:	78539438	PROVIDING NANOTECHNOLOGY SOLUTIONS - TODAY

**CORRESPONDENCE DATA**

Fax Number: (214)200-0812  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 214-651-5917  
 Email: purvi.patel@haynesboone.com  
 Correspondent Name: Purvi J. Patel  
 Address Line 1: 901 Main Street  
 Address Line 2: Suite 3100  
 Address Line 4: Dallas, TEXAS 75202

ATTORNEY DOCKET NUMBER: 40231.1

**TRADEMARK**

**900077729**

**REEL: 003549 FRAME: 0035**

**CH \$115.00 2926622**

NAME OF SUBMITTER:	Purvi J. Patel
Signature:	/Purvi J. Patel/
Date:	05/24/2007
Total Attachments: 3 source=Zyvex Instruments#page1.tif source=Zyvex Instruments#page2.tif source=Zyvex Instruments#page3.tif	

## TRADEMARK ASSIGNMENT

This Trademark Assignment (the "Assignment") is effective as of the 1st day of April, 2007, (the "Effective Date"), by and between ZYVEX CORPORATION, a Texas corporation having its place of business in Richardson, Texas ("Assignor"), and ZYVEX INSTRUMENTS, LLC, a Texas limited liability company having its place of business at 1321 N. Plano Road, Richardson, Texas 75081 ("Assignee").

WHEREAS, pursuant to a Plan and Agreement of Merger of Assignor dated March 28, 2007 ("Merger Agreement"), the business assets and liabilities of Assignor have been divided among three newly formed Texas limited liability companies, one of which is Assignee;

WHEREAS, in accordance with the Merger Agreement, Assignor allocated certain assets and liabilities to Assignee;

WHEREAS, the Merger Agreement contemplated that certain trademark registrations and applications owned by Assignor and identified on attached Exhibit A (the "Trademarks") be transferred to Assignee along with the corresponding goodwill of the business;

NOW THEREFORE, in consideration of the mutual covenants of the parties, and other good and valuable consideration provided in the Merger Agreement, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns and transfers *nunc pro tunc* to Assignee, its successors, assigns and legal representatives, all worldwide right, title and interest in and to the Trademarks together with all corresponding goodwill, as well as Assignor's right to sue for and obtain remedies against past, present and future infringements of any or all of the foregoing, and all rights of priority and protection of interests therein under the laws of any jurisdiction worldwide.

Assignor agrees to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers and to otherwise take such action as is necessary to perfect such rights, title and interest in Assignee, its successors, assigns and legal representatives.

IN WITNESS WHEREOF, the undersigned have caused this Assignment to be duly executed.

ASSIGNOR: ZYVEX CORPORATION

By: \_\_\_\_\_

Name: Timothy M. Gilmore

Title: Chief Financial Officer

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ASSIGNEE: ZYVEX INSTRUMENTS, LLC

By: *Timothy M. Gilmore*

Name: Timothy M. Gilmore

Title: Chief Financial Officer

STATE OF TEXAS §

COUNTY OF Dallas §

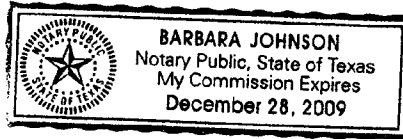
This instrument was acknowledged before me on this 21<sup>st</sup> day of May, 2007, by Timothy M. Gilmore, Chief Financial Officer of Zyvex Corporation, a Texas corporation, on behalf of said corporation.

*Barbara Johnson*  
Notary Public in and for the State of Texas

My Commission Expires:

12/28/09

(SEAL)



STATE OF TEXAS §

COUNTY OF Dallas §

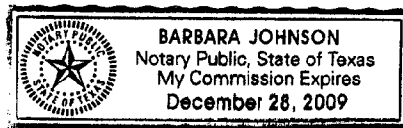
This instrument was acknowledged before me on this 21<sup>st</sup> day of May, 2007, by Timothy M. Gilmore, Chief Financial Officer of Zyvex Instruments, LLC, a Texas limited liability company, on behalf of said company.

*Barbara Johnson*  
Notary Public in and for the State of Texas

My Commission Expires:

12/28/09

(SEAL)



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**UNITED STATES**

**Registrations**

<b>Mark</b>	<b>Registration Number</b>
NANOWORKS	2,926,622
NANOEFFECTOR	2,981,400

**Applications**

<b>Mark</b>	<b>Application Number</b>
OPTIMIZER	78/849,042
PROVIDING NANOTECHNOLOGY SOLUTIONS – TODAY	78/539,438

**UNREGISTERED TRADEMARK**

PROMAS